

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

ANDREW AVILA,

Plaintiff,

v.

FELDER, *et al.*,

Defendants.

No. 1:21-cv-01510-NONE-BAM (PC)

ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS RECOMMENDING
DENIAL OF PLAINTIFF'S MOTION TO
PROCEED *IN FORMA PAUPERIS*

(Doc. Nos. 2, 7)

TWENTY-ONE (21) DAY DEADLINE

Plaintiff Andrew Avila is a state prisoner proceeding *pro se* in this civil rights action pursuant to 42 U.S.C. § 1983.

Plaintiff initiated this action on October 13, 2021, together with a motion requesting leave to proceed *in forma pauperis* pursuant to 28 U.S.C. § 1915. (Doc. Nos. 1, 2.) Plaintiff filed a prisoner trust fund account statement on October 20, 2021. (Doc. No. 5.)

On October 20, 2021, the magistrate judge issued findings and recommendations that plaintiff's application to proceed *in forma pauperis* be denied and that plaintiff be required to pay the \$402.00 filing fee in full to proceed with this action because he is able to afford the costs of this action. (Doc. No. 7.) Those findings and recommendations were served on plaintiff and contained notice that any objections thereto were to be filed within fourteen (14) days after service. (*Id.* at 2.) No objections have been filed, and the deadline to do so has expired.

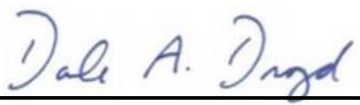
1 In accordance with the provisions of 28 U.S.C. § 636 (b)(1)(C), this court has conducted a
2 *de novo* review of the case. Having carefully reviewed the entire file, the court concludes that the
3 magistrate judge's findings and recommendations are supported by the record and proper
4 analysis.

5 Accordingly,

- 6 1. The findings and recommendations issued on October 20, 2021, (Doc. No. 7), are
7 adopted in full;
- 8 3. In accordance with 28 U.S.C. § 1915(g), plaintiff's application to proceed *in forma*
9 *pauperis*, (Doc. No. 2), is denied; and
- 10 4. Within **twenty-one (21) days** following the date of service of this order, plaintiff
11 shall pay the \$402.00 filing fee in full to proceed with this action. If plaintiff fails
12 to pay the filing fee within the specified time, this action will be dismissed without
13 further notice.

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15 IT IS SO ORDERED.

16 Dated: **November 22, 2021**

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19 UNITED STATES DISTRICT JUDGE
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